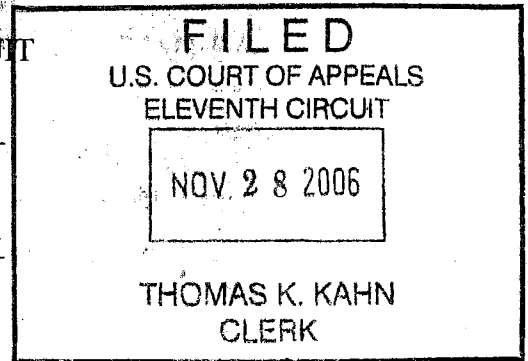


RECEIVED  
IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT  
2006 NOV 29  
DEBRA P. HACKETT, CLK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA  
No. 06-14416-I



CALVIN MAYS, JR.,

Plaintiff-Appellant,

versus

OLA B. JOHNSON,  
DERRICK CUNNINGHAM,

Defendants-Appellees.

Appeal from the United States District Court for the  
Middle District of Alabama

Before TJOFAT, ANDERSON and BARKETT, Circuit Judges.

BY THE COURT:

Appellant has filed a motion for reconsideration of this Court's order dated October 13, 2006. Upon reconsideration, appellant's motion for leave to proceed is DENIED and the appeal is DISMISSED because it is frivolous. See 28 U.S.C. § 1915(e)(2)(B); Heck v. Humphrey, 512 U.S. 477, 486-87, 114 S.Ct. 2364, 2372, 129 L.Ed.2d 383 (1994); Dukes v. Smitherman, 32 F.3d 535, 537 (11th Cir. 1994); Ala. Code § 6-2-38(1).

A True Copy - ~~Attended~~  
Clerk, U.S. Court of Appeals  
Eleventh Circuit  
*K. F. L.*  
Deputy Clerk  
Atlanta, Georgia